

REMARKS

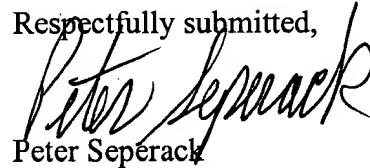
Status

Claims 21-26, 29-36, and 38-41 are pending in this application, no claims being added or canceled and claim 24 being amended herein. Claims 21, 24, and 32 are amended in this Supplemental Amendment to further clarify the relationship of the components of the expression cassette. Support for these amendments may be found at least in claim 21 as amended on August 23, 2001 and in the specification on page 4, lines 16-25. No new matter is added by these amendments.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged. If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 415-576-0200.

Respectfully submitted,



Peter Sepérack
Reg. No. 47,932

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
CAF
SF 1271283 v1

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1 21. (Twice Amended) A method of conferring resistance to pathogenic
2 fungi on a plant using a DNA sequence encoding a member of the sarcotoxin 1 family or
3 homolog thereof, the method comprising the steps of: transforming a plant cell by
4 introducing the DNA sequence encoding the member of the sarcotoxin 1 family or
5 homolog thereof; and regenerating the transformed plant cell into a transgenic plant
6 expressing the member of the sarcotoxin 1 family or homolog thereof, wherein the DNA
7 encoding the member of the sarcotoxin 1 family or homolog thereof is in an expression
8 vector, wherein said expression vector [comprising] comprises:
9 i) an expression cassette comprising a first plant promoter induced by
10 stress; and
11 ii) a second plant promoter which is constitutively expressed,
12 wherein the first plant promoter and the second plant promoter are positioned adjacent to
13 each other, and wherein the transgenic plant has enhanced resistance to pathogenic fungi
14 as compared to a corresponding untransformed plant.

1 24. (Thrice amended) The method according to claim 21, wherein [the]
2 said expression [cassette] vector comprises:
3 i) the expression cassette comprising the DNA sequence encoding the
4 member of the sarcotoxin 1 family or homolog thereof operably linked to
5 the first plant promoter; and
6 ii) a drug resistance gene operably linked to the second plant promoter.

1 32. (Twice Amended) A plant which confers resistance to pathogenic
2 fungi, the plant comprising an expression vector [comprising] , wherein the expression
3 vector comprises:
4 i) an expression cassette comprising a DNA sequence encoding a member
5 of the sarcotoxin 1 family or homolog thereof operably linked to a
6 promoter induced by stress; and

7 ii) a drug resistance gene operably linked to a constitutively expressed
8 promoter,
9 wherein the promoter induced by stress and the constitutively expressed promoter are
10 positioned adjacent to each other, wherein the transgenic plant has enhanced resistance to
11 pathogenic fungi as compared to a corresponding untransformed plant.